

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ERNEST MERRILL, et al.,) 1:05-cv-00195-AWI-SMS
)
Plaintiffs,) ORDER VACATING HEARING ON
) PLAINTIFFS' MOTION TO JOIN
v.) PARTIES, PERMIT A SUPPLEMENTAL
COUNTY OF MADERA, et al.,) PLEADING ALLEGING A COUNTERCLAIM,
Defendants.)) IMPLEAD THIRD PARTIES, AND FOR
COUNTY OF MADERA,)) MANDATORY JOINDER (DOCS. 18, 34)
Counter-Claimant,)) ORDER DEEMING MOTIONS SUBMITTED
v.)) TO THE COURT FOR DECISION
ERNEST MERRILL, et al.,))
Counter-Defendants.))
)
)

On May 25, 2005, Plaintiffs filed motions to consolidate actions, join third parties, allow a supplemental pleading, allege a counterclaim, and for compulsory joinder. Third parties filed opposition. Defendant and Counter-claimant County of Madera neither filed opposition nor filed a notice of non-opposition.

Pursuant to Rule 78-230(h) of the Local Rules of Practice for the United States District Court, Eastern District of California, the Court finds that the Plaintiffs' motions are

1 matters that may appropriately be submitted upon the record and
2 briefs, including the Plaintiffs' motion and supplement thereto,
3 and third parties' opposition and supplemental opposition.

4 Accordingly, the hearing on the motion, presently set for
5 November 4, 2005, IS VACATED, and the motion IS DEEMED SUBMITTED
6 to the Court for decision.

7
8 IT IS SO ORDERED.

9 **Dated: October 31, 2005**
10 icido3

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28